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November 25, 2020

## **VIA ECF**

Honorable Debra Freeman, U.S. Magistrate Judge  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: In re Navidea Biopharmaceuticals Litigation, Case No. 19-cv-01578-VEC

Dear Judge Freeman:

As the Court is aware, we represent Defendant/Counterclaim Plaintiff/Third-Party Complaint Plaintiff Michael M. Goldberg, M.D. (“Dr. Goldberg”) in the above-referenced action. We write with respect to the proposed Order we submitted at the Court’s direction to implement the going-forward advancement protocol Your Honor recommended to Judge Caproni and which was adopted in its entirety by Judge Caproni.

In your order on November 2, 2020 [Dkt. No. 148] you instructed counsel for Plaintiff/Counterclaim Defendant Navidea Biopharmaceuticals, Inc., Mr. Kazan, to inform us immediately if he was not objecting to our hourly billing rates and to submit any objections to the proposed Order [Dkt. No. 147]. Mr. Kazan never informed us that he did not object to our hourly rates, but conceded that fact in his objections to our fee application. The Court had previously indicated that it would promptly address the proposed Order once Navidea revealed whether it objected to our hourly rates and that the Court would not wait to rule on our application for advancement of previously-incurred fees to begin application of the going-forward protocol. Navidea has now revealed that it does not object to our hourly fees and has submitted its objections to the Order [Dkt. No. 162], which we then responded to [Dkt. No. 163]. We respectfully request that Your Honor enter our proposed Order and finally order Navidea to begin fulfilling its advancement obligations to Dr. Goldberg.

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Thank for your attention to this matter.

Respectfully submitted,

/s/ Gregory Zimmer, Esq.